

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NAYVON HILL, #194207,

Petitioner,

v.

CASE NO. 2:10-CV-12977
HONORABLE JOHN CORBETT O'MEARA

DAVID BURGH,

Respondent.

**OPINION AND ORDER GRANTING PETITIONER'S MOTION TO
VOLUNTARILY DISMISS THE PETITION FOR A WRIT OF HABEAS CORPUS**

This matter is before the Court on Petitioner Nayvon Hill's motion to voluntarily dismiss his pending petition for a writ of habeas corpus so that he may return to the state courts to pursue additional challenges to his state criminal proceedings. The Court previously denied Petitioner's motion to hold the case in abeyance pending the exhaustion of additional claims concerning prosecutorial and judicial misconduct and the effectiveness of trial and appellate counsel. Given that Petitioner seeks to exhaust additional constitutional issues in the state courts and given that he has sufficient time to do so and comply with the one-year statute of limitations applicable to federal habeas actions, dismissal of the present petition is appropriate.

Accordingly,

IT IS ORDERED that Petitioner's motion for voluntary dismissal is **GRANTED** and the petition for a writ of habeas corpus is **DISMISSED WITHOUT PREJUDICE**. This case is closed. Should Petitioner wish to seek federal habeas relief following the exhaustion of state

court remedies, he must file a new habeas petition in federal court within the time remaining on the one-year period of limitations.

s/John Corbett O'Meara
United States District Judge

Date: September 22, 2010

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, September 22, 2010, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager